

**BOARD OF REGISTRATION IN PHARMACY
PHARMACY BOARD MEETING MINUTES
TUESDAY, NOVEMBER 15, 2005
239 CAUSEWAY STREET, ROOM 206
BOSTON, MASSACHUSETTS 02114**

Present: James T. DeVita, R.Ph., George Cayer, R.Ph., Harold B. Sparr, R.Ph., M.S., Marilyn M. Barron, MSW, Public Member, Joel Berman, R.Ph., Steven Budish, Public Member, William Gouveia, R.Ph., M.S., Sophia Pasedis, R.Ph., Pharm.D., Donald Accetta, M.D., Kathy Fabiszewski, R.N., Ph.D.

Absent: Karen Ryle, R.Ph., M.S.

Staff present: Charles R. Young, R.Ph., Exec. Dir., James Coffey, R.Ph., Assoc. Dir., Susan Manning, Counsel, Leo McKenna, R.Ph., Pharm.D., CQI Surveyor, Carolyn Reid, Administrative Assistant, Sam Penta, R.Ph., Investigative Supervisor and James Emery, C.Ph.T., Investigators

1. 8:30 a.m. - Call to Order – James T. DeVita, Past Pres./Pres. Elect called meeting to order at 8:35 a.m.
2. 8:35 a.m. - Review of minutes from a previous meeting
Motion/Sparr to approve minutes from September 27, 2005 meeting as amended (page 6 – change ESL to TSE). Second/Cayer. Unanimous in favor.
3. 8:40 a.m. to 9:30 a.m. - File Review
 - a) Office of Investigations: Healthcare Investigators James C. Emery and Samuel J. Penta
 - b) Board of Pharmacy/CQI Surveyor Leo McKenna, PharmD.
 - c) Board investigator Jay Emery discussed a recent new store opening in Springfield which was being held up pending DEA approval. DEA would not issue a certificate number until another pharmacy owned by the applicants agreed to cease and desist anticipatory compounding of a Schedule II controlled substance. A motion was made by James DeVita, seconded by Sophia Pasedis, to approve the licensing of the pharmacy department contingent upon DEA approving the issuance of a DEA certificate. Motion passed

4. 9:30 a.m. Nominations for Board election (December 15, 2005)
President, President Elect and Secretary
Motion/Sparr to nominate Cayer for President. Second/Pasedis.
Unanimous in favor.
Motion/Cayer to nominate Pasedis for President Elect. Second/Gouveia.
Unanimous in favor.
Motion/Sparr to nominate DeVita for President Elect. Second/Pasedis.
Unanimous in favor.
Motion/Gouveia to nominate Budish for Secretary. Second/Sparr.
Unanimous in favor.
Motion/Pasedis to nominate DeVita for Secretary. Second/Cayer.
5. 9:35 a.m. to 9:45 a.m. - Report of Offices
 - a) Board counsel: Susan Manning
 - i) Pending legal matters
In the matter of James Gagnon, R.Ph. - Docket Nos. PH-03-063 and PH-05-131. Board voted to accept terms of surrender of Gagnon's pharmacist license. Unanimous in favor.

In the matter of Kristin DiBenedetto, R.Ph. - Docket No. PH-03-043. Board voted to accept both the surrender of DiBenedetto's license and the November 05, 2005 statement of agreement to the revocation of her pharmacy license. Unanimous in favor.
6. 9:45 a.m. to 10:45 a.m. - Carmelo Cinqueonce, Ex. V.P., Mass. Pharmacists Association. Mr. Cinqueonce presented a program offered by the National Alliance of Pharmacy Associations, LLC: "Pharmacy Quality Commitment (PQC)".
7. 10:50 a.m. to 11:00 a.m. - New Business
 - a) In the matter of Randy Lee Ensley, R.Ph. (North Carolina) - review of pharmacist application for reciprocal licensure
Motion/Sparr to approve the reciprocal application for pharmacist licensure contingent upon an MPRS assessment and a passing score on the MPJE examination. If the applicant is offered an MPRS contract then the Board shall offer a related consent agreement to include a 5 year probationary period. Second/Pasedis. Unanimous in Favor.
 - b) Request for LIVE CE waiver during the 2005 CE renewal period for

- Registrant Mary Rose Ferzoco, R.Ph. (Lic. No. 13489/Exp.12/31/06)
Motion/Pasedis complete 15 continuing educations correspondence
online. Second/Cayer. Unanimous in favor.
Gouveia – Recused (exited meeting room)
- c) Request for LIVE CE waiver during the 2005 CE renewal period
for Registrant Jill M. Bennett, R.Ph. (Lic. No. 25201 Exp. 12/31/06)
Motion/Pasedis to accept waiver. Second/Cayer.
In favor: Pasedis, Cayer, Budish, Fabiszewski, Barron, Cayer.
Opposed: Sparr, Berman, Accetta. Abstained: Gouveia
- d) Mallinckrodt (MA Nuclear Pharmacy/Lic. No. 2) - request for
approval to replace USP/NF with current version of USP
Pharmacist's Pharmacopoeia.
Motion/Cayer to table the matter until comments are received from
Dr. Callahan care of Mass. General Hospital. Second/Sparr.
Unanimous in favor.
8. 11:00 a.m. to 11:30 a.m. - Discussion Items:
- a) "DPH Contingency Protocols for Dispensing of Controlled
Substances in a Declared Emergency" reviewed by Board.
Motion/Sparr to endorse. Second/Pasedis. Unanimous in favor.
- b) Pharmacy technician requirements and approved pharmacy
technician training programs.
Motion/Sparr to establish a task force: Berman, Gouveia, Sparr).
Second/DeVita. Unanimous in favor.
- c) New Pharmacy Application – The Medicine Centre/LTC, LLC
Motion/Sparr open complaint against Manager of Record. No
decision on pharmacy application at this time. Second/Gouveia.
Unanimous in favor.
9. 11:30 p.m. to 11:45 p.m. - Old Business
- a) Long Term Care/Home Infusion Advisory Task Force Update

Long Term Care Guidance, March 16, 2005 (see attachment).
- b) In the matter of Docket Nos. DS-03-023 & PH-03-033: CQI Survey
overview provided by Surveyor McKenna.

On Friday, August 12, 2005, McKenna conducted a CQI survey at
Brooks Pharmacy #250, 237 Broadway Street, Taunton, MA - James A.
Doolittle, R.Ph., Manager of Record, present during survey. Survey was
performed at request of Board relating to complaint Docket Nos. DS-03-

023 and PH-03-033 regarding a medication error involving the 9/23/02 dispensing of Clozapine 100mg rather than Clozapine 25mg as prescribed (ingestion occurring for four doses over four days). The pharmacy is a community pharmacy that also provides medication to several group homes utilizing the "blister pack system". The survey evaluated several operational systems involved in the prescription fulfillment process.

The survey found Brooks Pharmacy #250 in Taunton to be in compliance with the current Board's standard of practice. All recommendations made by the surveyor were accepted and implemented at the time of the survey or soon thereafter.

The Board determined that the Registrants complied with the conditions set forth in the original Board decision (Advisory Letter 6/09/05).

c) DHPL notice to hospitals/clinics regarding renewals for controlled substance registrations.

Assoc. Ex. Dir. Coffey provided overview of renewal information of hospitals/clinics – information will also be included in the Board newsletter.

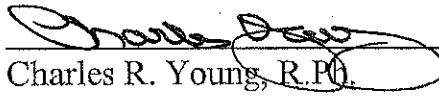
10. 11:45 a.m. to 12:00 p.m. - Division of Health Professions Licensure/
Board of Pharmacy: Updated Website: James D. Coffey
11. 12:00 p.m. to 12:15 p.m. – Massachusetts Coalition for Prevention of
Medical Errors.
Leo McKenna gave an update of the Accountability Project.
12. 12:15 p.m. to 1:30 p.m. - Lunch
13. 1:30 p.m. to 2:30 p.m. - Investigative Conference: **RESCHEDULED
for 12/13/05**
DS-05-059, PH-05-115 & PH-05-125: In the matter of Baystate Home
Infusion & Respiratory, Controlled Substance Registration Number
3300, Anthony Nogueira, R.Ph., License Number 23101 (Registrant #1)
and William Quinn, R.Ph., License Number 16334 (Registrant #2)

The purpose of the conference is to discuss a complaint filed with the Board alleging the failure to dispense a prescription properly on two

separate occasions to the same patient, a ten year-old child. The complaint alleged that on or about March 18, 2005, Registrant # 1 (Nogueira) dispensed an incorrect dose of Decadron I.V. and on or about December 17, 2004, Registrant # 2 (Quinn) an incorrect dose of Irinotecan while employed at Baystate Home Infusion & Respiratory, 211 Carando Drive, Springfield, Massachusetts.

14. 2:35p.m. Motion/DeVita meeting to adjourn. Second/Cayer. Meeting adjourned.

Respectfully submitted by:


Charles R. Young, R.Ph.
Executive Director
Date: 2.27.06

Reviewed by counsel: February 06, 2006
Draft approved: February 06, 2006
Board approved: February 14, 2006